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February 18, 2025

Via Electronic Case Filing

The Honorable Judge Jennifer Wilson
United States District Court
For the Middle District of Pennsylvania

Re: Bowie v York, et al
United States District Court for the Middle District of Pennsylvania
Docket No. 24-cv-02105

Dear Judge Wilson,

I represent the York City defendants, namely the City of York and Detective Kyle Hower in the above-mentioned matter. I write to alert Your Honor as to where the parties are in filing a response to Plaintiff's current complaint (ECF 1), and to note that counsel had, pursuant to your January 14, 2025 scheduling order (ECF 8) and Your Honor's general procedures, a very productive and fulsome conversation today possibly avoiding a motion to dismiss that I was scheduled to file today.

More specifically, counsel for Plaintiffs, Aaron Martin and Dominic Giovanniello, and counsel for the York County defendants Jared Mellott and myself had a productive conversation in which I laid out for Attorneys Martin and Giovanniello the various grounds upon which I would be filing a motion to dismiss plaintiff's complaint. Attorney Martin believed some of my points may be well taken, but he wanted to consider if some of the defects that I pointed out are curable through an amended complaint and/or whether others would be conceded and certain claims withdrawn. Attorney Mellott on behalf of the County defendants also set forth some general arguments he would intend to make for the County Defendants in a motion to dismiss which I believe is due sometime next week.

As a result of the conversation, it was agreed that I would provide Attorney Martin with a draft of the motion that I was going to file later on this afternoon for his full consideration, including case cites and authorities, and he would thereafter consider whether he will likely file an amended complaint. The parties agree, with Your Honor's permission, if an amended complaint is to be filed that would be filed no later than March 10, 2025. I respectfully trust that this proposed course of action, which is consistent with Your Honor's procedures is acceptable to Your Honor, and the defendants will not respond to the current complaint and wait for an amended complaint to be filed on March 20 before filing anything further.

I would further request, on behalf of all the parties that, given the timing, the March 17 case management conference be continued, or that we perhaps use that date and time as more in

The Honorable Judge Jennifer Wilson
February 18, 2025
Page 2 of 2

the nature of a status conference to discuss what will be done with the amended complaint and if there will be a partial or full motion to dismiss filed by either of the two defendant groups.

In closing, I would note that Your Honor's procedures as to concurrences or non-concurrences, were well taken in this particular case, and I commend my colleagues for a frank and professional conversation which I think will streamline the case and potentially avoid unnecessary motion practice.

Thank you for Your Honor's consideration of this matter and we remain available for a conference call should Your Honor wish to discuss this matter further.

Respectfully yours,



David J. MacMain

DJM/jml

CC: *(all via email)*

Aaron Martin, Esq.
Dominic Giovanniello, Esq.
Sean Summers, Esq.
Jared Mellott, Esq.